

Message Text

MRN: 1973NEW DE006666 SEGMENT NUMBER: 000001 ERROR READING TEXT INDEX

FILE; TELEGRAM TEXT FOR THIS SEGMENT IS UNAVAILABLE

ADP000

CONFIDENTIAL

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ACTION SS-25

INFO OCT-01 ADP-00 /026 W

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R 071240 Z JUN 73

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 4812

INFO / AMEMBASSY ISLAMABAD 5562

AMEMBASSY DACCA

AMEMBASSY BERN

AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 2 OF 3 NEW DELHI 6666

EXDIS

TEXT OF MAY 25 AIDE- MEMOIRE:

1. THE GOVERNMENT OF INDIA HAS REJECTED THE GOVERNMENT OF PAKISTAN'S INVITATION TO SEND A REPRESENTATIVE TO PAKISTAN FOR DISCUSSION ON THE QUESTION OF THE REPATRIATION OF POWS AND OTHER IMPLICATIONS OF THE JOINT INDIA- BANGLADESH STATEMENT OF APRIL 17, 1973. IN A LETTER, SENT BY SARDAR SWARAN SINGH TO PAKISTAN'S MINISTER OF STATE FOR DEFENCE AND FOREIGN AFFAIRS HE HAS ASKED THE GOVERNMENT OF PAKISTAN TO REVIEW AND AGREE IN PRINCIPLE TO THE PROPOSALS SET OUT IN PARAGRAPH 5 OF INDIA- BANGLADESH JOINT DECLARATION OF APRIL 17, 1973.

2. THE REPLY FROM THE GOVERNMENT OF INDIA MAKES IT CLEAR THAT NO FURTHER NEGOTIATIONS ON THE QUESTION OF THE REPATRIATION OF THE PAKISTANI POWS COULD BE HELD UNLESS PAKISTAN FIRST ACCEPTS THE FOLLOWING INDIAN DEMANDS:

TRANSFER TO " BANGLADESH" OF SOME 195 PAKISTANI POWS AND CIVILIAN INTERNEES FOR TRIALS ON CRIMINAL CHARGES;

TRANSFER TO PAKISTAN OF 250,000 NON- BENGALIS WHO ACCORDING TO BANGLADESH OWE ALLEGIANCE TO PAKISTAN AND HAVE OPTED FOR REPATRIATION.

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3. THE CONDITIONS THAT INDIA HAS ATTACHED TO THE RELEASE OF THE PAKISTANI POWS ARE AGAINST THE PROVISIONS OF THE GENEVA CONVENTIONS AND PAKISTAN CANNOT ACCEPT THE USE OF PAKISTANI POWS AS A LEVER OF PRESSURE FOR EXTRACTING CONCESSIONS ON THE UN- RELATED ISSUES.

4. THE INDIAN REPLY FURTHER MAKES IT CLEAR THAT THE JOINT STATEMENT OF APRIL 17, 1973 IS AN ATTEMPT TO DIVERT THE MOUNTING WORLD CRITICISM

AGAINST THE CONTINUED CAPTIVITY OF 92,000 PAKISTANI POWS NEARLY 17 MONTHS AFTER THE CESSATION OF HOSTILITIES BETWEEN INDIA AND PAKISTAN.

5. THE PROCESS OF NORMALIZATION WOULD BE ACCELERATED IF INDIA FULFILLS ITS OBLIGATION UNDER THE GENEVA CONVENTIONS. THE OBLIGATION TO RELEASE THE PAKISTANI POWS IS UNILATERAL AND UN- CONDITIONAL. PAKISTAN HAS ALREADY FULFILLED ITS OBLIGATION BY RELEASING INDIAN POWS SEVERAL MONTHS AGO. PAKISTAN CANNOT BE A PARTY TO ANY COMPROMISE ON THE RECOGNIZED PRINCIPLES ENUNCIATED IN THE GENEVA CONVENTIONS.

6. THE TRIAL OF ANY PAKISTANI POWS WOULD TAKE THE SITUATION TO A POINT OF NO RETURN. THERE WOULD BE GREAT RESENTMENT AND REVULSION IN PAKISTAN AND THUS IT WOULD BE A SERIOUS SETBACK FOR THE EFFORTS TO BRING ABOUT RECONCILIATION ON THE SUBCONTINENT.

7. THE GOVERNMENT OF PAKISTAN IN ITS DESIRE TO PUT AN END TO THE CHAPTER OF TCGIC CONFLICT HAS EXERCISED MAXIMUM RESTRAINT. IT HAS NOT EXERCISED ITS RIGHTFUL JURISDICTION AND HAS NOT TRIED THE BENGAL- IS IN PAKISTAN AGAINST WHOM THERE IS EVIDENCE OF COMMITTING ACTS OF SUBERSION, ESPIONAGE AND HIGH TREASON. THE TERMS OF THE JOINT STATEMENT OF APRIL 17, 1973 WOULD MAKE IT IMPOSSIBLE FOR THIS RESTRAINT TO CONTINUE.

8. THE DACCA SUTHORITIES LEGALLY HAVE NO RIGHT TO BRING TO TRIAL ANY PAKISTANI POWS ON CRIMINAL CHARGES AS ANY ALLEGED EXCESSES WHICH MIGHT HAVE BEEN COMMITTED HAD TAKEN PLACE INSIDE PAKISTAN AND, ACCORDING TO THE ESTABLISHED PRINCIPLES OF INTERNATIONAL LAW, ONLY PAKISTAN WOULD HOLD TRIALS ON SUCH CHARGES. PAKISTAN HAS GIVEN AN ASSURANCE THAT IT WILL INVESTIGATE ALL CHARGES AGAINST ITS POWS AND WILL PUNISH ALL THOSE FOUND GUILTY BY THE DUE PROCESS OF LAW.

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9. BANGLADESH IS NOT A DETAINING POWER EITHER IN FACT OR IN LAW IN RESPECT OF PAKISTANI POWS. THE SO- CALLED JOINT COMMAND WAS A MYTH.

10. LEGALLY AND MORALLY BANGLADESH HAS NO RIGHT TO SUBJECT A

LINGUISTIC, ETHNIC OR POLITICAL MINORITY TO DISCRIMINATION AND THEN
OFFER ITS MEMBERS AN OPTION TO LEAVE THEIR HOMES. THE NON- BEGALIS
WHOM BANGLADESH WANTS TO EXPEL EVER SINCE THE IMMIGRATION FROM
INDIA HAVE LIVED IN THE TERRITORY WHICH NOW COMPRISES BANGLADESH.
MOST OF THEM WERE BORN AND BROUGHT UP IN EAST PAKISTAN AND HAVE
NEVER BEEN TO WEST- PAKIMRN: 1973NEW DE006666 SEGMENT NUMBER: 000003 ERROR
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*** Current Handling Restrictions *** EXDIS, ONLY

*** Current Classification *** CONFIDENTIAL

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